IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 1429 of 2006(T)

PETITIONERS:
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1. **JOSE GEORGE, ASSISTANT GRADE-II,**
   MAHATMA GANDHI UNIVERSITY,
   PRIYADARSINI HILLS, KOTTAYAM.

2. **K.M.THOMAS, ASSISTANT GRADE-II,**
   MAHATMA GANDHI UNIVERSITY,
   PRIYADARSINI HILLS, KOTTAYAM.

3. **JOB T.G., ASSISTANT GRADE-II,**
   MAHATMA GANDHI UNIVERSITY,
   PRIYADARSINI HILLS, KOTTAYAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:
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1. **MAHATMA GANDHI UNIVERSITY,**
   PRIYADARSINI HILLS, KOTTAYAM-686562,
   REPRESENTED BY ITS REGISTRAR.

2. **THE VICE CHANCELLOR,**
   M.G.UNIVERSITY, PRIYADASINI HILLS,
   KOTTAYAM-686562.

3. **THE SYNDICATE OF THE M.G.UNIVERSITY,**
   PRIYADARSINI HILLS, M.G.UNIVERSITY,
   KOTTAYAM, REP. BY ITS REGISTRAR.

BY SR.GOVERNMENT PLEADER SRI.P.V.LONACHAN
BY ADV.SRI.V.A.MUHAMMED S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2006, ALONG WITH WPC NO. 7603 OF 2005 THE COURT ON 26/03/2007 DELIVERED THE FOLLOWING:

W.P.(C) NO.1429/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.AD.A1-1-10/0-1 DT.13.9.05 ISUED BY THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE ORDER DT. 21.12.05 IN IA. NO.18877/05 IN WPC.27498/05 OF THIS HONOURABLE COURT.

/TRUE COPY/

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K.M.JOSEPH, J.

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WP.(C) No. 1429 OF 2006

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Dated this the 26th day of March, 2007.

JUDGMENT

Case of the petitioners in brief is as follows:

Petitioners were initially appointed as Peons. They were appointed as Clerical Assistants in 1997 and 2000 respectively. The second petitioner was appointed under the dying in harness scheme. Petitioners were promoted as Assistant Grade II. While so, the four directly recruited Laboratory Assistants (petitioners in W.P.(C) 27498 of 2005) raised a complaint against the designation of Laboratory Assistants who were promoted from the common seniority list as Clerical Assistants. It is contended that there is no complaint against the promotion of the petitioners from the cadre of Clerical Assistants to Assistant Grade II. But on the basis of the stay in the case filed by the direct recruits, they are denied the salary. By Ext.P2 the court directed that the interim order passed in the writ petition filed by the Laboratory Assistants who are direct recruits will not stand in the way of disbursement of salary. Petitioners seek a mandamus to give a posting

and salary pursuant to their promotion vide Ext.P1 as Assistant Grade II. The promotion of the petitioners as Assistant Grade II is not under challenge. Petitioners were promoted directly as Clerical Assistants. By an interim order passed, there was a direction to pay the petitioners the pay and allowances attached to the post of their joining duty pursuant to Ext.P1 order from the next month onwards (February, 2006) and the question of payment of arrears was to be decided at the time of final disposal of the writ petition.

In view of the fact that there is no impediment to grant the relief to the petitioners, this writ petition is disposed of directing that the petitioners shall be paid arrears of the monetary benefits due to them on the basis that Ext.P1 is valid, within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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